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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,528

Applicant(s)

EHRENREICH ET AL.

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 0112.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 31-38, 41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 39, 40 and 43-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application in response to applicant's letter dated 12/1/03.

Election/Restrictions

2. Claims 31-38, 41-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 13.

Specification

3. The abstract of the disclosure is objected to because it includes legal terms, such as disclosed and invention. Correction is required. See MPEP § 608.01(b).

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 7-17, and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7, the term “the support column” lacks antecedent basis, thus indefinite. Claim 10, “vertically extending” clamp plates lacks antecedent basis, thus indefinite. Claim 25, there is at least one missing step between “raising a portion of the mobile platform” and “moving the mobile platform and equipment support assembly away from the overhead suspension system”. There should be some language between those steps about decoupling the equipment support assembly from the overhead suspension system.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6-7, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,186,337 to Foster et al.

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Forster et al discloses a servicing system comprising all the elements recited in the above listed claims, such as shown in Figs 1 and 3, including a suspension system 16 connected to an overhead support structure, a service module 15 coupled to the suspension system having a plurality of connectors 28, an equipment support assembly having a support column 150, at least one shelf coupled to the support column having a rotatable and tiltable platform, and an arm assembly coupled to the support column at one end and having a video display monitor 121 coupled at another end.

10. Claims 1-4, 6-7, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,934,933 to Fuchs.

Fuchs discloses a servicing system comprising all the elements recited in the above listed claims, such as shown in Fig 1, including a suspension system 12 connected to an overhead support structure, a service module, such as shown in Figs 5-7, coupled to the suspension system having a plurality of connectors (col. 6, lines 22-60), an equipment support assembly having a support column 26, at least one shelf coupled to the support column and including at least one electric, fluid or data connector for allowing access to electricity, fluid or data from the at least one electric line, fluid line, or data line.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-13, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,196,649 B1 to Block et al.

Block et al discloses a servicing system comprising all the elements recited in the above listed claims, such as shown in Figs 1 and 2, including a suspension system connected to an

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overhead support structure; a service module A coupled to the suspension system having a plurality of connectors F, at least one handle E, at least one control panel having pushbuttons I; an equipment support assembly having a support column 12', such as shown in Fig 7, at least one shelf G coupled to the support column and having an adjustable clamping assembly comprising two spaced apart, movable clamp plates, such as shown in Fig 8B being coupled together to move in unison. In regard to claims 11-13, the at least one shelf member comprises a coupling assembly having at least two shelf arms, such as shown in Fig 8B, and an adjustment mechanism 86', 88'. In regard to claims 29-30, a shelf base member 84, a clamping assembly coupled to the shelf base member, such as shown in Fig 8A, and a coupling assembly attached to the shelf base member 84, such as shown in Fig 8B.

12. Claims 1-4, 6, 19-24, 39-40, and 43-54 are rejected under 35 U.S.C. 102(e) as being anticipated by US2003/0014817 A1 to Gallant et al.

Gallant et al discloses a servicing system comprising all the elements recited in the above listed claims, such as shown in Figs 1 and 8-10, including a suspension system 88 connected to an overhead support structure; a service module 62 coupled to the suspension system having a plurality of connectors 73; an equipment support assembly having a support column 70, at least one shelf coupled to the support column; a mobile platform 48 having at least one spine 150 and the equipment support assembly having at least one cavity 142 for decoupling of the equipment support assembly from the service module; wherein the mobile platform further comprises a vertically adjustable upper base member coupled to a lower base member by at least one cross link assembly.

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Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al in view of USP 3,869,106 to Gregov.

Foster et al discloses all the elements as discussed above except for clearly stated that the shelf member includes an elastomeric bumper element.

Gregov teaches the idea of providing a horizontal supporting surface with an elastomeric bumper element in order to provide a safe protective cover for exposed sharp edges. Therefore, it would have been obvious to modify the structure of Foster et al by providing the shelf member with an elastomeric bumper element in order to provide a safe protective cover for exposed sharp edges, as taught by Gregov, since both teach alternate conventional horizontal supporting structure, thereby providing structure as claimed.

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16. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al.

Gallant et al discloses all the elements as discussed in paragraph #12 above except for disclosing the method steps in recited in the above listed claims. However, since Gallant et al discloses all the elements recited in the above listed claims, it would have been obvious and well within the level of one skill in the art, base on Gallant, to perform the method steps recited in said claims.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marchese et al, Chirico et al, Montague et al, Foster '338, Kreuzer '064, Kreuzer '683, Petre, Verburg, and Preussner et al all show structures similar to various elements of applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

February 22, 2004



Hanh V. Tran

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